

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, July 28, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Meeting of June 9, 2015.
2. Meeting of June 23, 2015.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-13, Use Permit U-2015-12, Special Permit SP-2015-3 to operate a resource recovery facility for green waste, construction & bulky materials, on a parcel situated along the mauka side of Kaumualii Highway in Kekaha, approx. 0.85 mile inland and 1 mile west of Kekaha Gardens Subdivision, further identified as Tax Map Key (4) 1-2-002: 008, and containing a land area of 12.34 acres = *Shredco, LLC*. [Director's Report received 3/24/15, DRS1 & hearing continued 4/14/15, DRS2, DRS3 & hearing continued 5/12/15.]

1. Supplemental No. 4 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-17, Use Permit U-2015-16 and Variance Permit V-2015-3 for the installation and to deviate from the height requirements for 12 antennas and associated improvements situated atop the Waialeale Wing of the Kauai Marriott Resort facility in Nawiliwili, further identified as 3610 Rice Street, Tax Map Key (4) 3-5-002: 002, and affecting a parcel approx. 32.79 acres in size = **Verizon Wireless**. [Director's Report received 5/26/15, hearing postponed 6/9/12.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2015-18, Use Permit U-2015-17 and Variance Permit V-2015-4 to allow installation and height variance for a 70 ft. high stealth monopine tower and associated equipment on a parcel situated in Hanamaulu, along the mauka side of Kuhio Highway and approx. 900 ft. north of the Laukono Street/Kuhio Highway intersection, further identified as Tax Map Key (4) 3-8-002: 001, and affecting a 2,500 sq. ft. portion of a larger parcel approx. 1,114.913 acres in size = **Verizon Wireless**. [Director's Report received 5/26/15, hearing postponed 6/9/12.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- c. Class IV Zoning Permit Z-IV-2015-34, Use Permit U-2015-33 and Variance Permit V-2015-5 to allow installation and height variance for a 80 feet high stealth monopine tower and associated equipment on a parcel located in Lihue, situated immediately adjacent to the Kukui Grove Cinema complex at the intersection of Haleko Road/Pua Loke Street, further identified as 4368 Kukui Grove Street, Tax Map Key (4) 3-3-006: 020 and affecting a 900 sq. ft. portion of a larger parcel approx. 94,370 sq. ft. in size = **Verizon Wireless**. [Director's Report received by Clerk of the Commission 7/14/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- d. Class IV Zoning Permit Z-IV-2015-33 and Use Permit U-2015-32 to operate a car wash facility on a parcel situated mauka of the Kuhio Highway/Kipuni Place intersection in Waipouli, further identified as Tax Map Key (4) 4-5-004: 003, and containing a total land area of 22,001 sq. ft. = **SUDZ Carwash**. [Director's Report received by Clerk of the Commission 7/14/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- e. Class IV Zoning Permit Z-IV-2015-32, Use Permit U-2015-31 and Special Permit SP-2015-11 to allow conversion of an existing guest house into a homestay operation on a parcel located along Waiakalua Road in Kilauea, approx. ¼-mile south of the Waiakalua Road/Kuhio Highway intersection and further identified as 4670B Waiakalua Road, Tax Map Key (4) 5-1-005: 038, CPR Unit 3 and containing an area of 2.78 acres of a larger parcel = **David W. Breen Trust/Lisa M. Breen Trust**. [Director's Report received by Clerk of the Commission 7/14/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- f. Class IV Zoning Permit Z-IV-2015-35, Use Permit U-2015-34 and Special Permit SP-2015-12 to allow conversion of a portion of an existing residence and guest house into a homestay operation on a parcel located along Wailapa Road in Kilauea, approx. 1/3-mile makai of the Wailapa Road/Kuhio Highway intersection, further identified as 4328 C Wailapa Road, Tax Map Key (4) 5-1-005-015, CPR Unit 3, and affecting a 7.6 acre portion of a larger parcel approx. 22.1 acres in size = ***Bruce & Cynthia Fehring***. [Director's Report received by Clerk of the Commission 7/14/15.]
- g. Class IV Zoning Permit Z-IV-2015-36, Use Permit U-2015-35 and Special Permit SP-2015-13 to allow conversion of an existing guest house into a homestay operation on a parcel located along Kahili Makai Road in Kilauea, situated at the intersection with Kuhio Highway, further identified as 4387 Kahili Makai Road, Tax Map Key (4) 5-2-021-010, CPR Unit 3, and affecting a 3.838 acre portion of a larger parcel approx. 19.19 acres in size = ***Lee Roversi***. [Director's Report received by Clerk of the Commission 7/14/15.]
- h. Class IV Zoning Permit Z-IV-2015-38, Use Permit U-2015-37 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lawai, situated approx. 500 ft. east of the Hailima Road/Aka Road intersection, further identified as 3922 Aka Road, Tax Map Key (4) 2-6-13: 026, and containing a total area of 8, 050 sq. ft. = ***Patrick & Judy Mahon***. [Director's Report received by Clerk of the Commission 7/14/15.]

- 1. Supplemental No. 1 Director's Report pertaining to this matter.

3. Continued Public Hearing (NONE)

4. New Public Hearing

- a. A-2015-1: Request for State Land Use District Boundary Amendment from Agricultural District to Rural District.
- ZA-2015-6: Request for County Zoning Amendment from Agriculture District (A) to Residential District (R-1).
- Location: Kalaheo, Kauai. Located along the western side of Pu'u Road, approx. a quarter (1/4) mile west of the Pu'u Road/Papalina Road intersection and immediately adjacent to property identified as 2205 Pu'u Road, and containing a total area of 3.26 acres. Tax Map Key (4) 2-3-004: 006 = ***Gregory R. Kingsley, et al.***

- 1. Director's Report pertaining to this matter.
- 2. Petition in Opposition to application.

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 8/11/15.

- a. Class IV Zoning Permit Z-IV-2015-37, Use Permit U-2015-36 and Special Permit SP-2015-14 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Menehune Road in Waimea Valley, further identified as 5390 Menehune Road and Tax Map Key 1-5-002:047, and containing a total area of 37,407 sq. ft. = ***Giuseppi Gereke-King.***

1. Director's Report pertaining to this matter.

- b. Class IV Zoning Permit Z-IV-2015-39, Use Permit U-2015-38 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Nohea Street within the Kakela Makai Subdivision in Kalaheo, situated approx. 450 ft. west of its intersection with Kakela Makai Drive and further identified as 1196 Nohea Street, Tax Map Key 2-3-023:119, and containing a total area of 10,017 sq. ft. = ***David & Melinda Murray.***

1. Director's Report pertaining to this matter.

- c. Class IV Zoning Permit Z-IV-2015-40 and Use Permit U-2015-39 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Papalina Road within the Kai Ikena Subdivision in Kalaheo, situated approx. 900 ft. north of the Kai Ikena Street/Papalina Road intersection and further identified as 4330 Kai Ikena Street, Tax Map Key 2-3-020:092 and containing a total area of 8,011 sq. ft.= ***Margarette Johannes.***

APPLICATION WITHDRAWN BY APPLICANT.

H. EXECUTIVE SESSION (NONE)

I. GENERAL BUSINESS MATTERS

1. Clerk of the Commission's Recommendation to Refer an Appeal of the Planning Director's Decision Related to the Application for Non-Conforming Use Certificate TVNCU #4122 Jonathan J. Chun, Esq., representing ***Laura Bancroft Living Trust and David Bancroft*** TMK No. (4) 5-8-011:010 filed on 4/6/15 to a Hearings Officer (Contested Case No. CC-2015-5); Request for Delegation of Authority to the Clerk of the Commission to Procure and Appoint a Hearings Officer on Behalf of the Commission for the Instant Appeal.
- a. Memorandum (6/10/15) from Michael A. Dahilig, Clerk of the Commission to Honorable Commissioners of the Kauai Planning Commission.
2. Petition to Appeal the Decision of the Planning by ***Neill & Fely Sams*** concerning Additional Dwelling Unit Recertification Application (TMK 446012006) filed on June 22, 2015, Contested Case No. CC-2015-19.
- a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (6/22/15).
3. Appoint Member to Long Range Task Group.

J. COMMUNICATION (For Action)

1. Letter (6/5/15) from Jonathan Chun, Esq., requesting cancellation of Class IV Zoning Permit Z-IV-2012-5, Use Permit U-2012-5 and Special Permit SP-2012-15, Tax Map Key 4-6-004:048, due to applicants' deciding not to construct and operate a wellness center on above-referenced property.

K. COMMITTEE REPORTS

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, August 11, 2015.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, July 28, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of June 9, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action

- a. Subdivision Application No. S-2015-17
(Kawailoa Development)
Proposed 2-lot Consolidation
TMK: (4) 2-9-001:002 & 003
Pa‘a and Weliweli, Kōloa, Kaua‘i

1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

1. Tentative Subdivision Action (Cont'd)
 - b. Subdivision Application No. S-2015-18
(*Charles Baxter and Jinee Tao*)
Proposed 2-lot Consolidation
TMK: (4) 2-6-017:025 & 026
Kōloa (Makai), Kōloa, Kona, Kauaʻi
 1. Subdivision Report pertaining to this matter.
2. Final Subdivision Action
 - a. Subdivision Application No. S-2009-13
(*Grove Farm Properties, Inc.*)
Proposed 100-lot Subdivision
TMK: (4) 3-3-003:041(por.)
Līhuʻe, Puna, Kauaʻi
 1. Subdivision Report pertaining to this matter.
 - b. Subdivision Application No. S-2009-14
(*Grove Farm Properties, Inc.*)
Proposed 20-lot Subdivision
TMK: (4) 3-3-003:041(por.)
Līhuʻe, Puna, Kauaʻi
 1. Subdivision Report pertaining to this matter.
 - c. Subdivision Application No. S-2012-06
(*Lindsay Crawford/Kukuiula Development Co. (Hawaii) LLC.*)
Proposed 4-lot Subdivision
TMK: (4) 2-6-014:026 & 043, 2-6-015:005

Kōloa (Makai), Kōloa, Kauaʻi
 1. Subdivision Report pertaining to this matter.
 - d. Subdivision Application No. S-2013-20
(*Kilauea Ventures, LLC.*)
Proposed 6-lot Subdivision
TMK: (4) 5-2-005:024, 5-2-023:027 & 028

Kilauea & Namahana, Hanalei, Kauaʻi
 1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Lihua'e, Hawai'i 96766. Telephone: (808) 241-4050.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2015-41	Chris Zaharias	5-8-008:050	Hanalei	Make existing structure flood compliant
SSD-2015-42	Jimmy's Bar & Grill	4-5-012:023	Kapaa	New bar & grill and 2 lunch wagons
SSD-2015-43	Kela's Glass	4-5-011:014	Kapaa	New one story retail building
SSD-2016-9	John Austin	5-8-011:011	Hanalei	Storage Shed
SSd-2016-10	Kevin McGinnis	4-7-007:006	Kapaa	Ground Mount Photovoltaic System
SSD-2016-11	Cecilia Fern	2-6-006:031	Koloa	CMU and chain link fence
SSD-2016-13	Jeff Shardell	5-5-010:029	Hanalei	Second floor lanai and stairs

SHORELINE SETBACK DETERMINATIONS NOT APPLICABLE

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
	The Cliffs at Princeville	5-4-005:039	Princeville	N/A